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Attorneys for Defendant, Trans Union LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PETER SCHROECK,	)	
	)	
	)	
Plaintiff,	)	C.A. No: 2:09-cv-04350-WJM-MF
v.	)	
	)	
AT&T MOBILITY, et al.	)	<b>ANSWER OF DEFENDANT,</b>
	)	<b><u>TRANS UNION LLC</u></b>
Defendants.	)	
	)	

## **INTRODUCTION**

1. Trans Union denies violating the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (the “FDCPA”); the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.* (the “FCRA”); any New Jersey consumer protection law; or other law, as alleged in paragraph 1 of the Complaint.

## **JURISDICTION AND VENUE**

2. Denies the allegations of paragraph 2 of the Complaint, except admits jurisdiction and venue are appropriate in this Court.

## **PARTIES**

3. Admits the allegations of paragraph 3 of the Complaint.  
4-5. No responsive pleading required for allegations directed toward third parties, as alleged in paragraphs 4-5 of the Complaint.

6. Denies the allegations of paragraph 6 of the Complaint, except admits Trans Union has a mailing address at P.O. Box 2000, Chester, PA 19022-2000.

### **FACTUAL ALLEGATIONS**

7-19; 21. No responsive pleading required for allegations directed toward third parties, as alleged in paragraphs 7-19; 21 of the Complaint, to the extent such allegations are directed toward defendant Trans Union, denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraphs 7-21 of the Complaint.

20. Denies the allegations of paragraph 20 of the Complaint.

### **FIRST CLAIM – FDCPA**

22-26. Repeats and realleges each and every response to paragraphs 1-21 as if set forth at length herein. Denies the allegations of the First Claim, paragraphs 22-26 of the Complaint.

### **SECOND CLAIM – FCRA**

27-31. Repeats and realleges each and every response to paragraphs 1-26 as if set forth at length herein. Denies the allegations of the Second Claim, paragraphs 27-31 of the Complaint.

### **THIRD CLAIM – NEW JERSEY CONSUMER PROTECTION LAWS**

32-34. Repeats and realleges each and every response to paragraphs 1-31 as if set forth at length herein. Denies the allegations of the Third Claim, paragraphs 32-34 of the Complaint.

### **FOURTH CLAIM - NEGLIGENCE**

35-37. Repeats and realleges each and every response to paragraphs 1-34 as if set forth at length herein. Denies the allegations of the Fourth Claim, paragraphs 35-37 of the Complaint.

### **FIFTH CLAIM – INFILCTION OF EMOTIONAL DISTRESS**

38-42. Repeats and realleges each and every response to paragraphs 1-37 as if set forth at length herein. Denies the allegations of the Fifth Claim, paragraphs 38-42 of the Complaint.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's Complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

**FIRST DEFENSE**

The Complaint fails to state a claim for which relief can be granted. Plaintiff fails to allege that Trans Union is a debt collector, or that Trans Union made any debt collection efforts against Plaintiff. Plaintiff fails to allege any facts in support of his claim that Trans Union negligently or willfully violated the FCRA. Plaintiff fails to allege that Trans Union engaged in any conduct that violates any New Jersey consumer protection law; Plaintiff fails to allege that Trans Union made requests for payment or telephoned Plaintiff, which is the basis of his negligence claim; Plaintiff fails to allege that Trans Union engaged in any conduct that constitutes tortious infliction of emotional distress. Plaintiff fails to allege facts by which Trans Union could be found to have willfully violated any obligation owed to Plaintiff or would otherwise entitle Plaintiff to statutory or punitive damages.

**SECOND DEFENSE**

Plaintiff is not entitled to declaratory or injunctive relief.

**THIRD DEFENSE**

Trans Union is immune from suit respecting Plaintiff's claims of negligence and infliction of emotional distress.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's Complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

Respectfully submitted,

KOGAN, TRICHON & WERTHEIMER, P.C.

/s/ Timothy P. Creech

TIMOTHY P. CREECH

*Counsel for Defendant,  
Trans Union LLC*

DATED: October 30, 2009

**TIMOTHY P. CREECH (TC-7732)**  
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	)	
AT&T MOBILITY, <i>et al.</i>	)	<b><u>CERTIFICATE OF SERVICE</u></b>
	Defendants. )	
	)	

TIMOHTY P. CREECH, Esq., hereby certifies that he caused a true and correct copy of the foregoing Trans Union LLC's Answer to be sent on this date, *via* the Court's ECF Notice System, to the following:

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*Counsel for AT&T Mobility*

/s/ Timothy P. Creech  
TIMOTHY P. CREECH

DATED: October 30, 2009